

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHARLINE SULLIVAN)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
LOWE’S HOME CENTERS, LLC)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Lowe’s Home Centers, LLC (“Lowe’s” or “Defendant”), by its counsel, submits this notice to remove this action pursuant to provisions of 28 U.S.C. § 1332, § 1441, and § 1446, and hereby files its Notice of Removal of civil action to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Superior Court of Hamilton County, Indiana, and respectfully states:

1) That Defendant is named in an action now pending in the Superior Court of Hamilton County, Indiana, the same being Cause No. 29D01-2109-CT-006384, and said Defendant in said action files this Notice of Removal.

2. Plaintiff was at the time of the commencement of said action, and presently is a citizen of the State of Indiana.

3. Defendant, Lowe’s, was not, and is not a citizen of the State of Indiana. Defendant is a limited liability company organized and existing under the laws of North Carolina, with its principal place of business in North Carolina. The only member of this limited liability company is Lowe’s Companies, Inc., a North Carolina corporation, with a principal

place of business in North Carolina, as it was on the date the Complaint was filed and has been since.

4. Thus, the controversy in said action is entirely between citizens of different states of the United States, and Defendant desires to remove said cause from the Superior Court of Hamilton County, Indiana, to the United States District Court, Southern District of Indiana.

5. Plaintiff commenced this cause of action on September 8, 2021, by filing her Complaint. A copy of the Complaint and Summons was first received by the Defendant on or about September 10, 2021.

6. This Notice is timely pursuant to 28 U.S.C. §1446(b)(2). *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 119 S.Ct. 1322 (1999).

7. Plaintiff's Complaint alleges a negligence claim against the Defendant in relation to a trip and fall incident.

8. Plaintiff's Complaint alleges that Plaintiff suffered "personal injuries." On December 1, 2021, Plaintiff's attorney served Plaintiff Charline Sullivan's Answers to Interrogatories ("Plaintiff's Answers"). In Plaintiff's Answers she states that her injuries include a right-sided L4 IAP fracture, bilateral low back pain, and a neck injury. Her Answers further reflect that she underwent lumbar spine surgery on December 7, 2021 and that a future neck/cervical spine surgery is anticipated. Although Defendant does not have all of the past or obviously future medical bills, such surgeries and any related pain and suffering would easily exceed \$75,000 in alleged damages. As such, the jurisdictional minimum amount in controversy is satisfied and this Court has original jurisdiction of this matter under 28 U.S.C. §1332.

9. Attached hereto as Exhibit A is a complete copy of all process, pleadings, and orders served on Defendant in the state court action.

10. Defendant has served a copy of this Notice of Removal on counsel for Plaintiff and upon receipt of a file-marked copy of this Notice of Removal, it will file a copy of the Notice with the Clerk of Hamilton County, Indiana.

Respectfully submitted,

By s/ Jennifer M. Herrmann
Jennifer M. Herrmann, ID No. 24226-53
Michael Wroblewski, ID No. 25884-64
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the forgoing was served by the Court's Electronic System and/or First Class Mail on counsel or party of record this December 29, 2021 to:

J. Michael Antrim
Samuel W. Hughes
CHURCH CHURCH HITTLE & ANTRIM
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s/ Jennifer M. Herrmann
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